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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,111	02/27/2002	Maki Kimura	1538.1022	3384
21171	7590	12/16/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SALIARD, SHANNON S	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,111

Applicant(s)

KIMURA ET AL.

Examiner

Shannon S. Saliard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/083,111, filed on 27 February 2002.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. **Claims 3-6, 8-11, 14-17, 19-22, 25-28, and 30-34** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 3, 14, and 25**, the limitation "if a second customer makes a reservation" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if a second customer does not make a reservation.

As per **claims 4, 15, and 26**, the limitation "wherein if said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if said accumulated usage amount of money of said customer does not exceed said predetermined reference amount of money.

As per **claims 4, 15, and 26**, the limitation “wherein if said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money...is calculated in said estimating step” as recited is vague and indefinite. It is unclear to the Office what the applicant is attempting to set forth. For the purpose of examination, the Office interprets the claim to read, “wherein a time after a predetermined time has passed from a point of time when said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money, an estimated outgo time of said customer is calculated”.

As per **claims 5, 16, and 27**, the limitation “wherein said predetermined reference amount of money as to said accumulated usage amount of money is set...and a category of a date” as recited is vague and indefinite. It is unclear to the Office what the applicant is attempting to set forth. For the purpose of examination, the Office interprets the claim to read, “wherein said predetermined reference amount of money is set according to at least one of the number of customers and a category of date”.

As per **claims 6, 17, and 28**, the limitation “wherein said predetermined time corresponds ...to at least one of the number of customers and a category of date” as recited is vague and indefinite. It is unclear to the Office what the applicant is attempting to set forth. For the purpose of examination, the Office interprets the claim to read, “wherein said predetermined time corresponds to said predetermined reference amount of money and is set according to at least one of the number of customers and a category of a date”.

As per **claims 8, 19, and 30**, the limitation "if outgo information of said customer is obtained before said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if outgo information of said customer is not obtained before said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money.

As per **claims 9, 20, and 31**, the limitation "if outgo information of said customer is received" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if outgo information of said customer is not received.

As per **claims 9, 20, and 31**, the limitation "if said reservation of said second customer is registered" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if said reservation of said second customer is not registered.

As per **claims 10, 21, and 32**, the limitation "if a reservation as to a reservation unit including a seat of said customer is not registered when outgo information of said customer is received" as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if said reservation of said second customer is registered when outgo information of said customer is received.

As per **claims 11, 22, and 33**, the limitation "transmitting information concerning a usage status of said customer to a terminal of second customer if a request for obtaining information concerning a store usage status is received from a second

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customer” as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if a request for obtaining information concerning a store usage status is not received from a second customer.

As per **claim 34**, the limitation “receiving from a server...if a usage amount of money of said another customer using reservation unit in said store satisfies a predetermined condition” as recited is vague and indefinite. The limitation as recited is conditional. It is unclear to the Office what happens if a usage amount of money of said another customer using reservation unit in said store does not satisfy a predetermined condition.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 34** is rejected under 35 U.S.C. 102(e) as being anticipated by Knapp et al (U.S. Patent No. 6,829,583).

As per **claim 34**, Knapp et al discloses a reservation method comprising the steps of: transmitting to a server, registration information of a reservation without time designation for a reservation unit which is already used by another customer in a store;

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and receiving from said server, information including an estimated outgo time of said another customer, said information generated if a usage amount of money of said another customer using said reservation unit in said store satisfies a predetermined condition (col 5, lines 10-17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 5, 7, 10-14, 16, 18, 21-25, 27, 29, 32, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Framework for Restaurant Information Technology” Article (hereinafter referred to as “Restaurant Technology”).

As per **claims 1, 12, and 23**, Restaurant Technology discloses an information processing method, comprising the steps of: by obtaining information concerning a usage amount of money of a customer in a store, calculating an accumulated usage amount of money of said customer (page 6, paragraph 5, lines 1-2). Restaurant Technology does not explicitly disclose comparing said accumulated usage amount of money of said customer with a predetermined reference amount of money as to said accumulated usage amount of money; and estimating an outgo time of said customer based on at least a comparison result of said comparing step. However, Restaurant Technology discloses tracking customer meal duration and meal cost to determine

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when to book customers (page 6, paragraph 5, lines 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Restaurant Technology to include comparing a usage amount of money of a customer with a reference amount of money to determine an outgo time of a customer.

As per **claims 2, 13, and 24**, Restaurant Technology further discloses wherein said comparing step comprises a step of judging whether or not said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money (page 5, paragraph 6, lines 5-9).

As per **claims 3, 14, and 25**, Restaurant Technology does not explicitly disclose further comprising a step of, if a second customer makes a reservation for a reservation unit including a seat of said customer and it is judged that said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money, notifying said second customer of the estimated outgo time of said customer. However, Restaurant Technology discloses tracking dining patterns, meal duration, and amounts of money spent to book the right customers at the right time (page 6, paragraph 5, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include notifying a second customer of an estimated outgo time of a customer if a usage amount of money exceeds a predetermined reference amount of money.

As per **claims 5, 16, and 27**, Restaurant Technology further discloses wherein said predetermined reference amount of money as to said accumulated usage amount

of money is set according to at least one of the number of customers and a category of a date. However, Restaurant Technology discloses (page 6, paragraph 5, lines 7-8).

As per **claims 7, 18, and 29**, Restaurant Technology further discloses wherein said accumulated usage amount of money of said customer means an accumulated usage amount of money per customer (page 6, paragraph 5, lines 5-7).

As per **claims 10, 21, and 32**, Restaurant Technology does not explicitly disclose further comprising the steps of: if a reservation as to a reservation unit including a seat of said customer is not registered when outgoing information of said customer is received but said reservation by a second customer is registered as to another reservation unit, judging whether said reservation by said second customer can be changed to said reservation unit including said seat of said customer; and notifying said second customer if said seat can be changed. However, the Examiner takes Official Notice that it was old and well known in the reservation industry at the time of the invention to notify a second customer of an available seat if the customer has requested a particular seat, but the wait time on the available seat is less than the wait time of the requested seat. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include notifying a second customer of an available seat other than the seat that the customer had requested a reservation to provide improved customer satisfaction by providing the customer with a shorter wait time for a seat.

As per **claims 11, 22, and 33**, Restaurant Technology further discloses further comprising a step of transmitting information concerning a usage status of said

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customer to a terminal of a second customer if a request for obtaining information concerning a store usage status is received from said second customer, said information concerning said usage status generated based on at least said comparison result of said comparing step (page 6, paragraph 1, lines 4-9).

8. **Claims 4, 6, 15, 17, 26, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Framework for Restaurant Information Technology” Article (hereinafter referred to as “Restaurant Technology”) in view of “Developing a Restaurant Revenue-management Strategy” Article (hereinafter referred to as “Restaurant Strategy”).

As per **claims 4, 15, and 26**, Restaurant Technology discloses all the limitations of claims 1 and 2. Restaurant Technology does not disclose wherein a time after a predetermined time has passed from a point of time when said accumulated usage amount of money of said customer exceeds said predetermined reference amount of money, an estimated outgo time of said customer is calculated. However, Restaurant Strategy discloses tracking a customer based on what meal course he/she is on (page 6, paragraph 15, lines 1-5) and estimating an outgo time of the customer a time after the transaction is closed out (page 6, paragraphs 8-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include the steps discloses by Restaurant Strategy. Restaurant Strategy provides the motivation that better table management

will help accurately predict when the table will be available for the next party (page 6, paragraph 15, lines 1-5).

As per **claims 6, 17, and 28**, Restaurant Technology does not disclose wherein said predetermined time corresponds to said predetermined reference amount of money and is set according to at least one of the number of customers and a category of a date. However, Restaurant Strategy discloses tracking each transaction from a terminal including meal duration, time and cost, party size, and date associated with each transaction (page 3, paragraphs 2-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include the method disclosed by Restaurant Strategy. Restaurant Straytegy provides the motivation improving the ability to track which course a table is on helps to accurately predict when the table will be available for the next party (page 6, paragraph 15, lines 1-5).

9. **Claims 8, 9, 19, 20, 30, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over A Framework for Restaurant Information Technology” Article (hereinafter referred to as “Restaurant Technology”) in view of Visconti (U.S. Patent No. 6,876,973).

As per **claims 8, 19, and 30**, Restaurant Technology discloses all the limitations of claim 1. Restaurant Technology does not disclose further comprising a step of notifying a second customer who made a reservation for a reservation unit including a seat of said customer if outgo information of said customer is obtained before said

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accumulated usage amount of money of said customer exceeds said predetermined reference amount of money. However, Visconti discloses an information processing method that notifies a second customer of an outgo time of a customer before an accumulated amount of money exceeds a predetermined amount of money (col 3, lines 25-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include the method disclosed by Visconti. Visconti provides the motivation that knowing when a seat becomes available provides better management of seating space and kitchen utilization and provides accurate reservation times for waiting customers (col 3, lines 5-13).

As per **claims 9, 20, and 31**, Restaurant Technology does not disclose further comprising the steps of: if outgo information of said customer is received, judging whether a reservation of a second customer is registered with regard to a reservation unit including a seat of said customer; and if said reservation of said second customer is registered, transmitting an instruction concerning a reserved seat to a restaurant terminal. However, Visconti discloses an information processing method in which outgo information of a customer including the customer's seat is received and instruction concerning the reserved seat is received at a terminal (col 7, lines 8-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Restaurant Technology to include the method disclosed by Visconti. Visconti provides the motivation that knowing when a seat becomes available

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provides better management of seating space and kitchen utilization and provides accurate reservation times for waiting customers (col 3, lines 5-13).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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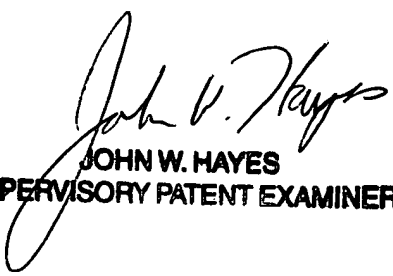
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Shannon S Saliard
Examiner
Art Unit 3639

SSS


**JOHN W. HAYES
SUPERVISORY PATENT EXAMINER**